

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

CARL ALONZO BROOKS,

Petitioner,

v.

STEPHEN D. SINCLAIR,

Respondent.

No. C10-5794 BHS/KLS

**REPORT AND RECOMMENDATION**  
**Noted For: December 24, 2010**

This case has been referred to Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4. Petitioner Carl Alonzo Brooks is a Washington state inmate at the Washington State Penitentiary in Walla Walla, Washington. Mr. Brooks filed his petition for writ of habeas corpus and an application to proceed *in forma pauperis* on October 28, 2010. ECF No. 1. On November 15, 2010, Mr. Brooks paid the \$5.00 filing fee (Receipt No. SEA037766). ECF No. 4. Because Mr. Brooks has paid the filing fee, the Court should deny the application to proceed *in forma pauperis*.

**DISCUSSION**

A district court may permit indigent litigants to proceed *in forma pauperis* upon completion of a proper affidavit of indigency. See 28 U.S.C. § 1915(a). However, the court has broad discretion in denying an application to proceed *in forma pauperis*. *Weller v. Dickson*, 314 F.2d 598 (9th Cir. 1963), cert. denied, 375 U.S. 845 (1963).

Mr. Brooks paid the \$5.00 filing fee on November 15, 2010. Therefore, his application to proceed *in forma pauperis* is moot.

**CONCLUSION**

Because Mr. Brooks has paid the filing fee, the undersigned recommends that the Court deny his application to proceed *in forma pauperis* (ECF No. 1).

Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure (Fed. R. Civ. P.), Petitioner shall have fourteen (14) days from service of this Report and Recommendation to file written objections thereto. See also Fed. R. Civ. P. 6. Failure to file objections will result in a waiver of those objections for purposes of appeal. *Thomas v. Arn*, 474 U.S. 140 (1985). Accommodating the time limit imposed by Rule 72(b), the clerk is directed set this matter for consideration on **December 24, 2010**, as noted in the caption.

DATED this 2nd day of December, 2010.

  
Karen L. Strombom  
United States Magistrate Judge